
Value of Hard-Copy Notice

What is hard-copy “notice” to neighborhood associations (NA) and how much is it worth to the public? The Hugo NA felt it was very important and petitioned its case to the Oregon Land Use Board of Appeals.¹ LUBA sent the issue back to Josephine County January 2000, but the county has not addressed the notice issue on remand. It has also be silent on other remands from LUBA.²

It is interesting that in 1994 Harold Haugen, Chair, Josephine County Board of Commissioners, was our elected leader in establishing notice to NAs and he is presently holding the same position in championing the decision to do away with it.³

The HNA believes notice, especially hard-copy notice, is a core element of Oregon Statewide Goal 1 - Citizen Involvement, and the opportunity for citizens of “neighborhood or community organizations”⁴ to be involved in all phases of the planning process. Doing away with hard-copy notice would be like eliminating the “law” to provide notice to adjacent owners of property proposed to be developed.⁵



1. Wayne McKy v. Josephine County, LUBA No. 99-100 (2000); Hugo Neighborhood Association & Historical Society. November 2, 2002. *Neighborhood Associations*. Grants Pass, OR.
2. *Simpson v. Josephine County*, LUBA No. 95-032 (1995).
3. Signing Commissioners to 1994 memorandum: Harold L. Haugen, Chairman, and Fred Borngasser and Irvin R. Whiting; Letter from Assistant Planning Director, Michael Snider, to Wayne McKy, Chair Hugo NA.
4. OAR 660-015-0000(1); ORS 197.763(2)(b).
5. ORS 197.763(2)(a).

County Decision To Do Away With Notice

Early August 2003 the Josephine County Board of Commissions (BCC) made a decision to eliminate notice to NAs. Commissioners Harold Haugen, Chair, and Jim Riddle voted to do away with hard-copy notice to NAs. Commissioner Jim Brock voted against the decision.⁶ We understand the Chair is responsible for minutes of these type of meetings.

There was no public debate about this private commissioners’ decision and Michael Snider, Planning Director, was instructed not to discuss any questions about this citizen involvement issue with interested neighbors. He was, in effect, under a gag-order and instructed to direct any questions to Commissioner Haugen.⁷

The Josephine County Citizen Involvement Committee was asked to consider an agenda item at its next meeting - “Recognition and Notice of Land Use Applications to Neighborhood Associations by Josephine County”.⁸ No public action has been taken.

As of November 5, 2003 the county decision had not been implemented.⁹ However, the HNA still has not been able to obtain any documentation from the county. There is a letter from a citizen, Bob Hart, asking for notice to be discontinued.

6. Telephone call from Mike Walker to Jim Brock, November 5, 2003.
7. Telephone call from Mike Walker to Michael Snider, August 14, 2003.
8. Letter from Mike Walker to Elizabeth Metcalf, Chair, CIC, August 14, 2003.
9. Telephone call from Wayne McKy to Michael Snider, November 5, 2003.
10. Letter from Bob Hart to BCC dated August 8, 2003.
11. <http://www.co.josephine.or.us/planning/Notice/index.htm>

Web Notice Should Not Be A Substitute For Hard-copy Notice

The county has initiated notice of land use applications and hearings on its web site which we believe is a positive action.¹¹ However, this notice should not be a substitute for hard-copy notice as it not does not have the procedural safeguards of law and does not address legal posting and the large number of neighbors without web access, including the chair of the HNA. It also does not address the value of hard-copy notice.⁴ For example, land owners, CACs, and NAs presently do not have to daily scan the web for land use decisions that might be applicable to land use proposals near them.

We invite you to participate in any meeting between representatives of the HNA and the BCC to discuss this issue, as well as other forums (e.g. contact BCC directly, letters to editor, contact reporters, have your own meetings, support HNA, citizen enforcement order, contact Oregon Citizen Involvement Advisory Committee, contact LCDC, etc.).

More Information. Would you like to learn more about citizen involvement in land use planning? Contact a member of the Land Use Committee of the *Hugo Neighborhood*.



Disclaimer. This brochure is as much about providing information and provoking questions as it is about opinions concerning the adequacy of findings of fact and land use decisions. It does not provide recommendations to citizens and it is not legal advice. It does not take the place of a lawyer. If citizens use information contained in this paper, it is their personal responsibility to make sure that the facts and general information contained in it are applicable to their situation.

Hugo Neighborhood Association & Historical Society's Mission

This information brochure is one of a series of documents published by the Hugo Neighborhood Association & Historical Society (*Hugo Neighborhood*). It is designed to be shared with neighbors for the purpose of helping protect our rural quality of life by promoting an informed citizenry in decision-making. The *Hugo Neighborhood* is an informal nonprofit charitable and educational organization with a land use and history mission promoting the social welfare of its neighbors.

Land Use & History

The *Hugo Neighborhood's* land use mission is to promote Oregon Statewide Goal 1 — Citizen Involvement, and by preserving, protecting, and enhancing the livability and economic viability of its farms, forests, and rural neighbors. It will act, as requested, as a technical resource assisting neighbors to represent themselves.

On January 2003 we began the concept of volunteer membership dues. They are \$10.00 annually and will be used for paper, ink, envelopes, publications and mailings. Make checks to the *Hugo Neighborhood* and send them to a member of the Land Use Committee. Send us your e-mail address if you want to know what we are doing.

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The Value Of "Notice"



Josephine County ...*Ordinance 93-13 and the 1994 memorandum are sufficiently ambiguous that we cannot determine whether the HNA is a recognized neighborhood association for purposes of ORS 197.763(2)(b) and hence entitled to notice under the statute. The county must address that issue on remand. Wayne McKy v. Josephine County, LUBA No. 99-100 (2000)*¹

November 17, 2003

Land Use Committee

**Hugo Neighborhood Association &
Historical Society**

Member of the CACNA Coalition